

**SENATE JOURNAL
64TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 13, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS

2/13/2015

Correctly printed: **SB 116, SB 138, SB 160, SB 170, SB 213, SB 221, SB 240, SB 244, SB 255, SB 305, SB 306, SB 307, SB 308, SB 309, SB 310, SB 311, SB 312, SB 313, SB 314, SB 315, SB 316, SJ 12, SR 18, HB 80, HB 105, HB 128, HB 147, HB 161, HB 187, HB 222, HB 248.**

Correctly engrossed: **SB 169, SB 185, SB 196, SB 226, SB 241, HB 95.**

Transmitted to the House: **SB 174, SB 181, SB 192, SB 230, HB 91, HB 94, HB 112, HB 157, HB 184.**

Signed by the Secretary of the Senate at 9:05 a.m., February 13, 2015: **SB 4, SB 5, SB 35, SB 36.**

Signed by the President at 12:05 p.m., February 13, 2015: **SB 4, SB 5, SB 35, SB 36.**

Signed by the Speaker at 4:30 p.m., February 13, 2015: **SB 4, SB 5, SB 35, SB 36.**

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair):

2/12/2015

SB 57, introduced bill, be amended as follows:

1. Page 11, line 3 through line 4.

Strike: "and" on line 3 through "act," on line 4

2. Page 11, line 5.

Following: "program"

Insert: "within the department and the water court"

3. Page 11, line 11.

Following: the second "account"

Insert: "and may not be transferred to any other account prior to June 30, 2028"

4. Page 13, line 4.

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both Senate Bill 82 and [this act] are passed and approved, then the words "annually and to the" in 85-2-281 are deleted and the introductory language in 85-2-281(1) must read:

"(1) provide reports to the water policy committee quarterly during a legislative interim on:"

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

SB 68, do pass. Report adopted.

SB 92, do pass. Report adopted.

HB 27, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair):

2/12/2015

SB 171, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "LICENSE"

Insert: "INCOME"

2. Title, page 1, line 11.

Strike: "LICENSE"

Insert: "INCOME"

3. Title, page 1, line 12.

Strike: "LICENSE"

Insert: "INCOME"

And, as amended, do pass. Report adopted.

SB 190, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "BOTH HOUSES;"

Insert: "PROVIDING THAT A LEGISLATURE MAY ADOPT A SUBSEQUENT REVENUE ESTIMATING RESOLUTION;"

2. Page 1, line 28.

Strike: "subsection"

Insert: "subsections"

Following: "(3)(b)"

Insert: "and (3)(c)"

3. Page 1, line 30.

Strike: "The"

Insert: "Subject to subsection (3)(c), the"

4. Page 2, line 3.

Strike: "Upon"

Insert: "Subject to subsection (3)(c), upon"

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5. Page 2, line 6.

Following: line 5

Insert: "(c) The house or the senate, or both, may introduce subsequent joint resolutions on the revenue estimate. The revenue estimate that is most recently adopted by both houses is the legislature's revenue estimate and must be used:

- (i) for the purpose of determining whether there is a balanced budget;
- (ii) by all agencies with responsibility for estimating revenue or costs, including the preparation of fiscal notes; and
- (iii) to compare the adopted revenue estimate and assumptions to current revenue estimates under 17-7-140(4)."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/12/2015

SB 16, introduced by D. Brown

SB 19, introduced by R. Ripley

SB 27, introduced by D. Brown

SB 46, introduced by J. Pomnichowski

SB 78, introduced by B. Tutvedt

House bills passed and transmitted to the Senate for concurrence: 2/12/2015

HB 145, introduced by M. Cuffe

HB 331, introduced by N. Schwaderer

HB 372, introduced by F. Garner

MOTIONS

Senator Buttrey moved to re-refer **SB 306** from the State Administration Committee to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 317, introduced by J. Sesso, referred to Business, Labor, and Economic Affairs.

SB 318, introduced by N. Swandal, referred to Judiciary.

SB 319, introduced by M. Blasdel, D. Kary, referred to State Administration.

SB 320, introduced by J. Sesso, referred to Local Government.

SB 321, introduced by M. Blasdel, referred to Energy and Telecommunications.

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SB 322, introduced by J. Fielder, referred to Judiciary.

SB 323, introduced by J. Fielder, referred to Natural Resources.

SB 324, introduced by J. Fielder, referred to Finance and Claims.

SB 325, introduced by J. Keane, referred to Natural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 13, introduced by D. Ankney, E. Arntzen, Debby Barrett, M. Blasdel, J. Brenden, D. Brown, T. Brown, E. Buttrey, P. Connell, B. Hamlett, K. Hansen, J. Hinkle, B. Hoven, D. Howard, L. Jones, D. Kary, J. Keane, F. Moore, R. Ripley, M. Rosendale, S. Sales, C. Smith, N. Swandal, J. Taylor, F. Thomas, B. Tutvedt, G. Vance, G. Vuckovich, R. Webb, J. Windy Boy, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 145, introduced by M. Cuffe, referred to Agriculture, Livestock and Irrigation.

HB 331, introduced by N. Schwaderer, referred to State Administration.

HB 372, introduced by F. Garner, referred to State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 176 - Senator Pomnichowski moved **SB 176** do pass. Motion carried as follows:

Yeas: Ankney, Barrett Dick, Brenden, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hinkle, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Whitford, Windy Boy, Wolken.

Total 26

Nays: Arntzen, Blasdel, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

SB 210 - Senator Vuckovich moved **SB 210** do pass. Motion carried as follows:

Yeas: Ankney, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hansen, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 34

Nays: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, Fielder, Hinkle, Howard, Kary, Keenan, Ripley, Rosendale, Smith, Taylor, Webb, Ms. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 200 - Senator Ankney moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 247 - Senator Brenden moved **SB 247** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moe, Moore, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 38

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Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Stewart-Peregoy, Whitford, Windy Boy.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 209 - Senator Rosendale moved **SB 209** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 44

Nays: Driscoll, Kaufmann, Malek, Stewart-Peregoy, Whitford, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 242 - Senator Webb moved **SB 242** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Whitford, Windy Boy, Wolken.

Total 41

Nays: Caferro, Jones, Moore, Phillips, Pomnichowski, Ripley, Tutvedt, Vuckovich, Ms. President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

SB 148 - Senator C. Smith moved **SB 148** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 122 - Senator Rosendale moved **SB 122** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 26 - Senator Driscoll moved **HB 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Jones, Kary, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

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Total 43

Nays: Brenden, Hansen, Howard, Keenan, Ripley, Taylor, Webb.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 74 - Senator McNally moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moe, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Wolken, Ms. President.

Total 35

Nays: Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Phillips, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 138 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, Moe, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms.

President.

Total 42

Nays: Barrett Dick, D. Brown, Cohenour, Facey, Kaufmann, McNally, Pomnichowski, Vincent.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 160 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Phillips, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.

Total 36

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Malek, McNally, Moe, Pomnichowski, Stewart-Peregoy, Whitford, Windy Boy, Wolken.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 221 passed as follows:

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Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 46

Nays: Kaufmann, Stewart-Peregoy, Whitford, Windy Boy.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 105 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hoven, Howard, Jones, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken, Ms. President.

Total 40

Nays: Blasdel, D. Brown, Hinkle, Kary, Rosendale, Sales, Smith, Vance, Vincent, Webb.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 147 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, McNally, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 32

Nays: Barrett Dick, Cohenour, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Kaufmann moved to change her third reading vote on **SB 138** from Yes to No. Without objection, so ordered.

Senator L. Jones moved to re-refer **SB 148** and **SB 210** to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 8:00 a.m., Saturday, February 14, 2015, the thirty-fourth legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate